

Notice of Allowability

Application No.

10/801,518

Examiner

Andrew B. Freistein

Applicant(s)

PINTO ET AL.

Art Unit

1626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 5/25/2006.
2. ☒ The allowed claim(s) is/are Claims 1-8, 17-20 and 22-28 (now 1-19).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 5/25/2006
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20060608.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

The amendment filed 5/25/2006 has been entered. Claims 1-8, 17-20 and 22-28 are currently pending. Claims 9-16 and 21 were cancelled.

Information Disclosure Statement

Applicant's information disclosure statement (IDS), filed on 5/25/2006, has been considered. Please refer to Applicant's copies of the 1449 submitted herewith.

Restriction Requirement

The restriction requirement is withdrawn. Group II is rejoined.

Claim Rejections - 35 USC § 112

Claims 1-7 and 9-14 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As a result of the amendment filed 5/25/2006, the rejections are withdrawn.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given during a telephone interview with Attorney Jing G. Sun, Ph.D. on June 8, 2006.

This application has been amended as follows:

1. In claim 1, on page 4 of 59, in lines 20-21 of the page, delete, "

Art Unit: 1626

B_1 is selected from SO_2R^{3b} , $C(O)R^{3b}$, $SO_2NR^3R^{3b}$, $C(O)NR^3R^{3b}$, OR^2 , SR^2 , $-CN$, and NO_2 ; ”

2. In claim 2, on page 13 of 59, in line 20 of the page, delete, “

B_1 is selected from SO_2R^{3b} , $C(O)R^{3b}$, $SO_2NR^3R^{3b}$, $C(O)NR^3R^{3b}$, OR^2 , and $-CN$; ”

3. In claim 4, on page 38 of 59, in line 11 of the page, delete,

“ B_1 is selected from SO_2R^{3b} and OR^2 ; ”

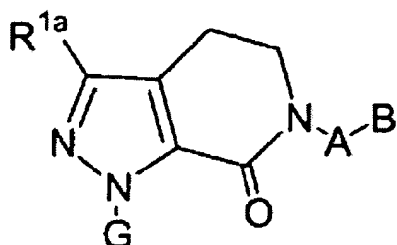
4. In claim 8, on page 55 of 59, in line 18 of the claim, after,

“ oxo-4,5,6,7-tetrahydro-pyrazolo[3,4-c]pyridin-1-yl }-benzamide; ”

insert –and--.

Reasons for Allowance

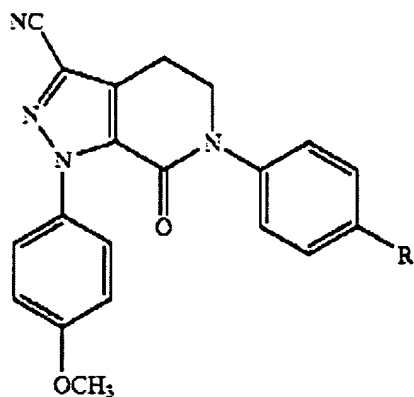
The instant invention is drawn to compounds of formula (I),



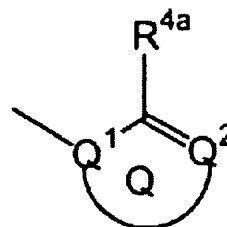
, pharmaceutical compositions comprising a compound of formula (I), and methods for the treatment of thromboembolic disorders. The closest relevant art is Pinto et al., US Pat. No. 6,750,225, which has a different inventive entity, but has a common assignee (Bristol-Myers Squibb).

Art Unit: 1626

The prior art patent is drawn to a compound of the formula



, wherein R is 2-R¹-imidazol-1-yl. The instant invention



is patentable over the prior art, because of variable B, which is

wherein Q is a 5-8 membered ring. The difference is that the instant invention is drawn to heterocyclic ring with only one double bond, whereas 2-R¹-imidazol-1-yl has two double bonds.

Telephone Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew B. Freistein whose telephone number is (571) 272-8515. The examiner can normally be reached Monday-Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph M^{re}Kane can be reached on (571) 272-0699. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Art Unit: 1626

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

Andrew B. Freistein
Patent Examiner, AU 1626

KAMAL A. SAEED, PH.D.
PRIMARY EXAMINER

A handwritten signature in cursive script, appearing to read 'Kamal Saeed', written over a horizontal line.

Joseph K. McKane
Supervisory Patent Examiner, AU 1626
Date: June 8, 2006